



The Comptroller General  
of the United States

Washington, D.C. 20548

*Morhouse*

132036

## Decision

Matter of: M. Dyer & Sons, Inc.

File: B-226036

Date: January 21, 1987

### DIGEST

1. A protester has no standing to claim a mistake in a competitor's bid because it is the sole responsibility of the contracting parties--the government and the low bidder--to assert rights and bring forth evidence necessary to resolve mistake in bid questions.

2. There is nothing illegal in the submission and acceptance of a below-cost offer. If a below-cost bid has been submitted, whether the bidder can perform successfully at its offered price is to be considered in the contracting officer's determination of whether the firm is responsible.

### DECISION

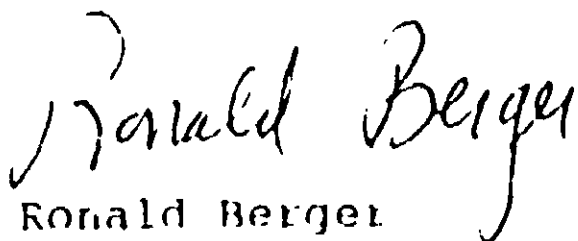
M. Dyer & Sons, Inc. (Dyer) protests the proposed award of a contract to DeWitt Transfer and Storage Company (DeWitt) under invitation for bids No. N00604-86-B-0117, issued by the Department of the Navy. The procurement is for the packing and crating of household goods. The gravamen of Dyer's protest is the assertion that DeWitt's price for a particular line item is so out of line with the other line item prices in that category of services that DeWitt's bid is either mistaken or unreasonably low.

We dismiss the protest.

We will not consider the argument that DeWitt's bid is mistaken because it is solely the responsibility of the contracting parties--the government and the low bidder--to assert rights and bring forth the necessary evidence to resolve mistake in bid questions. Window Systems Engineering, B-222600, June 2, 1986, 86-1 CPD ¶ 509. A protester thus has no standing to claim that a mistake exists in its competitor's bid. Id.; J.D. Bertolini Industries, Ltd., B-219791, Aug. 19, 1985, 85-2 CPD ¶ 193.

Similarly, we have no basis to consider Dyer's assertion that the bid is unreasonably low. In this regard, there is nothing legally objectionable in the submission and acceptance of a below-cost offer. Window Systems Engineering, B-222600, supra. If a below-cost bid has been submitted, the question of whether the bidder can perform at that price relates to the responsibility of the bidder, J.D. Bertolini Industries, Ltd., B-219791, supra, which must be determined prior to award. This Office generally does not consider challenges to a determination that a bidder is responsible. 4 C.F.R. § 21.3(f)(5) (1986).

The protest is dismissed.



Ronald Berger  
Deputy Associate  
General Counsel